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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,008	03/03/2000	Roger McAulay	21920-708	6539

32605 7590 02/26/2007
MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/519,008

Applicant(s)

MCAULAY ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 25, 29, 30, 32-42, 44-48, 51-72 and 87-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25, 29, 30, 32-42, 44-48, 51-72 and 87-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-23, 25, 29, 30, 32-42, 44-48, 51-72 and 87-89 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-23, 25, 29, 30, 32-42, 44-48, 51-72 and 87-89 are pending. Applicant cancelled claims 24, 26-28, 31, 43, 49, 50 and 73-86.
2. Applicant's October 11, 2006 Amendment and REMARKS have been reviewed. The previous rejection is withdrawn pursuant thereto.
3. The Examiner regrets the lack of compact prosecution. However, the Applicant has a series of independent and distinct inventions that should have been initially restricted. The lack of such an initial action has helped to lead to the prosecution history path presently before the Applicant and USPTO. To further limit the prosecution to history, Applicant is requested to elect one separate independent invention from one independent claim 1, 11, 16, 29 or 35. The reason for restriction is that each independent claim in juxtaposition to the others poses either a combination/subcombination, subcombination usable together, or a process and apparatus. The burden placed upon the Examiner is substantial.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3627

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23, 25, 29, 30, 32-42, 44-48, 51-72 and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleiman, US 5,959,945 (cited as part of paper number 8).

Kleiman discloses, e.g. Figs. 1-9, an on demand entertainment system, e.g. (IT1), coupled to a local area network (LAN) further coupled to a wide area network (WAN), a master list of titles, a local list of titles, e.g. col. 3, lines 20-25, col. 9, lines 57-62. Regarding the dependent claims, e.g. using infrared (IR) data transfer means, to use such common knowledge and well known transfer means with Kleiman would have been obvious to one of ordinary skill in the art. The motivation for having done such would have been to incorporate common knowledge data transfer mechanisms.

It is noted intended use claim language, e.g. claim 1, "couplable to," is given little if any patentable weight in juxtaposition with positively recited claim language, e.g. claim 1, "at least one entertainment unit."

6. Claims 1-23, 25, 29, 30, 32-42, 44-48, 51-72 and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bulthuis et al., US 6,978,127.

Bulthuis discloses, e.g. Figs. 1-4, an on demand entertainment system, e.g. 100, coupled to a local area network 102 further coupled to a wide area network 206, a master list of titles and a local list of titles using infrared (IR) data transfer means.

Regarding the dependent claims, e.g. using coin acceptor or bill acceptor, to use such

common knowledge and well known transfer means with Bulthuis would have been obvious to one of ordinary skill in the art. The motivation for having done such would have been to incorporate common knowledge data transfer mechanisms.

It is noted intended use claim language, e.g. claim 1, "couplable to," is given little if any patentable weight in juxtaposition with positively recited claim language, e.g. claim 1, "at least one entertainment unit."

7. Further pertinent references of interest are noted on the attached PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is fluid and cursive, with the first name "Andrew" being the most prominent.

Andrew Joseph Rudy
Primary Examiner
Art Unit 3627